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8 CITY OF OAKLAND

9 **UNITED STATES DISTRICT COURT**

10 **NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION**

11 ALI SALEEM BEY and JOHN MUHAMMAD
12 BEY,

13 Plaintiffs,

14 v.

15 CITY OF OAKLAND and DOES 1-100
16 Defendants.

Case No. 14-cv-01626-JSC

**DECLARATION OF JASON M. ALLEN
IN SUPPORT OF SEALING
DEFENDANTS' CONFIDENTIAL
DOCUMENTS [Dkt 133]**

Honorable Jacqueline Scott Corley

Action Filed: April 19, 2014
Trial Date: November 5, 2018

1 I, Jason M. Allen, declare as follows:

2 1. I am an attorney licensed to practice before all courts of the State of California and
3 before the United States District Court for the Northern District of California. I am a Deputy City
4 Attorney with the Oakland City Attorney's Office, counsel of record for Defendant City of
5 Oakland in this action. I have personal knowledge of the matters stated herein, and, if called as a
6 witness, I could and would competently testify thereto.

7 2. Pursuant to Local Rule 79-5(e), I provide this declaration with respect to the documents
8 designated by the City as "Confidential" under the Protective Order in this case that Plaintiffs Ali
9 Saleem Bey and John Muhammad Bey (collectively, "Plaintiffs") filed with their Administrative
10 Motion to File Under Seal (the "Motion") [Dkt. 133].

11 3. The Motion addresses the Declaration of John Bey in Support of Plaintiffs' Reply Brief
12 ("JMB Declaration 2") [Dkt. 131], the Declaration of Ali Saleem Bey in Support of Plaintiffs' Reply
13 Brief ("ASB Declaration") [Dkt. 132, *as refiled with further redactions in* Dkt. 135], and 11 of the 18
14 exhibits to the ASB Declaration [*See* Dkt. 135-1 – 135-18].

15 4. Plaintiffs' counsel's office sent an unredacted version of the ASB declaration to me by
16 email on March 12, 2018. I have personally reviewed the ASB Declaration. The portions of that
17 declaration that Plaintiffs have redacted, including additional redactions made in the version filed on
18 March 16, 2018, [Dkt. 135], include confidential personnel information regarding current and former
19 OPD officers and confidential information about victims and potential suspects and witnesses in
20 criminal investigations.

21 5. The exhibits to the ASB Declaration begin with Exhibit 26 and run consecutively
22 through Exhibit 43. Plaintiffs have requested to file the following of those exhibits under seal:

- 23 a. Exhibit 27 [Dkt. 135-2]
- 24 b. Exhibit 28 [Dkt. 135-3]
- 25 c. Exhibit 30 [Dkt. 135-5]
- 26 d. Exhibit 33 [Dkt. 135-8]
- 27 e. Exhibit 35 [Dkt. 135-10]
- 28

1 f. Exhibit 36 [Dkt. 135-11]

2 g. Exhibit 38 [Dkt. 135-13]

3 h. Exhibit 39 [Dkt. 135-14]

4 i. Exhibit 40 [Dkt. 135-15]

5 j. Exhibit 41 [Dkt. 135-16]

6 k. Exhibit 42 [Dkt. 135-17]

7 6. Plaintiffs' counsel's office sent unredacted versions of Exhibits 27, 28, 30, 33, 36, 38,
8 39, 40, 41, and 42 to me by email on March 12, 2018. They sent an unredacted version of Exhibit 35
9 to me by email on March 16, 2018. I have personally reviewed Exhibits 27, 28, 30, 33, 35, 36, 38, 39,
10 40, 41, and 42 to the ASB Declaration.

11 7. Exhibit 27 [Dkt. 135-2] includes a portion of the file related to an investigation by the
12 California Department of Justice into the conduct of a former officer with the Oakland Police
13 Department ("OPD"). The file includes confidential personnel information regarding current and
14 former OPD officers and confidential information about victims and potential suspects and witnesses
15 in criminal investigations.

16 8. Exhibit 28 [Dkt. 135-3] includes a portion of an investigation file related to a complaint
17 to the Citizens' Police Review Board ("CPRB") and the OPD Internal Affairs Division ("IAD"). The
18 file includes confidential personnel information regarding current and former OPD officers. The file
19 also includes confidential information about victims and potential suspects and witnesses in criminal
20 investigations.

21 9. Exhibit 30 [Dkt. 135-5] includes a portion of the file related to an investigation by the
22 California Department of Justice into the conduct of a former OPD officer. The file includes
23 confidential personnel information regarding current and former OPD officers, and confidential
24 information about victims and potential suspects and witnesses in criminal investigations.

25 10. Exhibit 33 [Dkt. 135-8] includes a portion of the file related to an investigation by the
26 California Department of Justice into the conduct of a former OPD officer. The file includes
27 confidential personnel information regarding current and former OPD officers, and confidential
28 information about victims and potential suspects and witnesses in criminal investigations.

1 11. Exhibit 35 [Dkt 135-10] includes a portion of the file related to an investigation by the
2 California Department of Justice into the conduct of a former OPD officer. The file includes
3 confidential personnel information regarding current and former OPD officers, and confidential
4 information about victims and potential suspects and witnesses in criminal investigations.

5 12. Exhibit 36 [Dkt 135-11] includes a portion of the file related to an investigation by the
6 California Department of Justice into the conduct of a former OPD officer. The file includes
7 confidential personnel information regarding current and former OPD officers, and confidential
8 information about victims and potential suspects and witnesses in criminal investigations.

9 13. Exhibit 38 [Dkt 135-13] includes a portion of the file related to an investigation by the
10 California Department of Justice into the conduct of a former OPD officer. The file includes
11 confidential personnel information regarding current and former OPD officers, and confidential
12 information about victims and potential suspects and witnesses in criminal investigations.

13 14. Exhibit 39 [Dkt 135-14] includes a portion of the file related to an investigation by the
14 California Department of Justice into the conduct of a former OPD officer. The file includes
15 confidential personnel information regarding current and former OPD officers, and confidential
16 information about victims and potential suspects and witnesses in criminal investigations.

17 15. Exhibit 40 [Dkt 135-15] includes a portion of the file related to an investigation by the
18 California Department of Justice into the conduct of a former OPD officer. The file includes
19 confidential personnel information regarding current and former OPD officers, and confidential
20 information about victims and potential suspects and witnesses in criminal investigations.

21 16. Exhibit 40 [Dkt 135-15] includes a portion of the file related to an investigation by the
22 California Department of Justice into the conduct of a former OPD officer. The file includes
23 confidential personnel information regarding current and former OPD officers, and confidential
24 information about victims and potential suspects and witnesses in criminal investigations.

25 17. Exhibit 41 [Dkt 135-16] includes a portion of the file related to an investigation by the
26 California Department of Justice into the conduct of a former OPD officer. The file includes
27 confidential personnel information regarding current and former OPD officers, and confidential
28

1 information about victims and potential suspects and witnesses in criminal investigations.

2 18. Exhibit 42 [Dkt 135-17] includes a portion of the file related to an investigation by the
3 California Department of Justice into the conduct of a former OPD officer. The file includes
4 confidential personnel information regarding current and former OPD officers, and confidential
5 information about victims and potential suspects and witnesses in criminal investigations.

6 I declare under penalty of perjury under the laws of the United States and the State of
7 California that the foregoing is true and correct. Executed this 16th day of March, 2018, at
8 Oakland, California.

9
10 /s/ Jason M. Allen
Jason M. Allen